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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,187	10/16/2003	Steven S. Homer	200309431-1	7568

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

DATSKOVSKIY, MICHAEL V

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/687,187	Applicant(s) HOMER ET AL.	
	Examiner Michael V. Datskovskiy	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-22 and 24-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-22 and 24-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Affidavit filed on 04/13/2006 under 37 CFR 1.131 has been considered but is ineffective to overcome the Yang et al reference.
2. The evidence submitted is insufficient to establish applicant's alleged actual reduction to practice of the invention in this country or a NAFTA or WTO member country after the effective date of the Yang et al reference. Exhibits A, B and C are missing (There are only front pages received).
3. The evidence submitted is also insufficient to establish diligence from a date prior to the date of reduction to practice of the Yang et al reference to either a constructive reduction to practice or an actual reduction to practice. There is no proof of any diligence from a date prior to the date of reduction to practice of the Yang et al reference to either a constructive reduction to practice or an actual reduction to practice.

Response to Arguments

4. Applicant's arguments with respect to claims 1-14, 16-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 21-22, 28 and 31-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Uehara et al (US Patent 5,569,376).

Art Unit: 2835

Regarding to claims 1-4: Uehara et al teach a personal computer 320, Figs. 12-15, comprising: a housing 100C1, 100C2 having a perimeter edge; a controller (col. 8, lines 23-29) located within the housing, and a display 11 having a resilient pad 161 and a top surface, wherein the top surface extends to the rectangular perimeter edge, and wherein the top surface and the perimeter edge form an uninterrupted and smooth transition (See Fig. 12). Uehara et al teach furthermore said display surface 11 is formed by a glass panel (col. 11, lines 46-47); and the housing comprises a base wall disposed generally parallel to the display surface. Regarding to claims 21-22 and 28: Uehara et al teach a computer system, Fig. 12, comprising a housing 100C1: a display 101 having a top display surface 100P; and a shock absorbing pad 161 disposed between the top surface 100P of the display 101 and the housing 100C1, wherein the display 101 comprises a digitizer panel. Regarding to claims 31-32: Uehara et al teach computer as recited in claim 1 (see rejection of the claim 1 above), wherein the display comprises a substantially transparent protective cover 111 and an electronic display panel 101, and the substantially transparent protective cover 111 overhangs a substantial portion of the electronic display panel 101, wherein the top surface of the display top protective panel 111 and a surrounding top surface of the housing 100C1 define a single planar top surface with a smooth interface between the display and the housing.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6, 8-14, 16-22, 24-30, 34-36, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohgami et al in view of Anderson et al (US Patent Application Publication 2002/0149714A1).

Ohgami et al teach a tablet personal computer, Figs. 1-8, comprising: a housing 12 having a rectangle perimeter edge 11; a controller (microprocessor) inherently located within the housing; and a touch-screen display having a top surface 18 extending to the perimeter edge 11, wherein the top surface and the perimeter edge form an uninterrupted and smooth transition, and wherein the housing comprises a base wall 14b disposed generally parallel to the display surface 18. Ohgami et al teach furthermore said tablet computer further comprises: a graphical user interface 64 located beneath the display panel 18; a pointer/stylus 26 adapted to actuate the graphical user interface; a pad 62 disposed between the display panel 18 and the housing 12. Ohgami et al also teach said personal computer display comprising a transparent top protective cover 18 and a electronic display panel 64, wherein said pad 62 is adhesively coupled to the protective cover 18 but not to the electronic display panel 64. Although Ohgami et al teach said pad 62 made of a double-side adhesive tape (col. 6, line 66-67), they do not teach it being resilient or shock-absorbing. Ohgami et al also do not teach said protective cover being a glass panel (instead, it is taught as being formed of a transparent acrylic plate). Anderson et al teach a flat panel display, Figs. 2-3, wherein a top protective glass panel 255 (paragraph [0022]) is coupled to a

housing 215 by a double-side shock absorbing adhesive tape 210 (paragraphs [0019] and [0020]), said adhesive tape made of foam (paragraph [0010]). It would have been obvious to one having ordinary skill in the art at the time invention was made to employ a top protective glass panel and a double-side adhesive tape made of a foam and therefore being resilient and capable to absorb shock impact, as it is disclosed by Anderson et al in the device by Ohgami et al, in order to protect a glass display top panel. Regarding to the claims 16, 18-20, 24-25 and 36: The method steps are obviously necessitated by the device structure as Ohgami et al and Anderson et al disclosed it. Regarding to claims 33, 37 and 39: Ohgami et al and Anderson et al teach all the limitations of the claims except said electronic device, wherein the shock absorbent pad comprises a double-sided adhesive region and a single-sided adhesive region. It would have been obvious to one having ordinary skill in the art at the time invention was made to employ an absorbent pad comprising a double-sided adhesive region and a single-sided adhesive region, since it has been held that omission of an element and its function in a combination where the remaining elements perform the same functions as before involves only routine skill in the art. In re Karlson, 136 USPQ 184.

9. Claims 1-14, 16-22, 24-30, 34-36, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al in view of Ohgami et al and Anderson et al.

Yang et al teach a rectangular tablet personal computer, Figs. 2-13, comprising: a housing 100 having a rectangle perimeter edge; a controller (microprocessor) inherently located within the housing; a graphical user interface inherently located beneath a

display panel; and a touch-screen digitized display (Fig. 9A) having a top surface extending to the perimeter edge of the housing 100, wherein the top surface and the perimeter edge form an uninterrupted and smooth transition, and wherein the housing comprises a base wall 14 disposed generally parallel to the display surface. Yang et al teach furthermore said tablet computer further comprising a keyboard 300 removably attached to the housing 100 at the perimeter edge. Yang et al do not teach said display having a glass panel and a resilient pad. As it was shown above Ohgami et al and Anderson et al teach a tablet computer including a top glass cover panel coupled to a computer housing by a resilient adhesive double-side tape. It would have been obvious to one having ordinary skill in the art at the time invention was made to employ a top protective glass panel, and a double-side adhesive tape being resilient and capable to absorb shock impact, as it is disclosed by Ohgami et al and Anderson et al in the device by Yang et al, in order in order to ruggedize a computer and to protect a glass display top panel.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Depew et al (US Patent 6,215,476).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V. Datskovskiy whose telephone number is (571) 272-2040. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael V Datskovskiy
Primary Examiner
Art Unit 2835

05/04/2006